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August 22, 2023

Via ECF

The Honorable Lewis A. Kaplan, U.S.D.J.
The Honorable Ona Wang
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *El Omari v. Dechert LLP, et al.*, Civil Case No. 23-cv-4607-LAK-OTW

Dear Judge Kaplan and Magistrate Judge Wang:

Defendants Del Rosso and Vital Management (collectively, “Vital Defendants”) submit this letter addressing a proposed briefing schedule regarding (1) Vital Defendants’ Motion to Dismiss Plaintiff’s Complaint, and (2) Opposition to Plaintiff’s Motion for a Preliminary Injunction. This anticipated motion will be made following the conference of counsel, which took place on August 10, 2023. Plaintiff declined an opportunity to amend.

We note at the outset that Plaintiff and Dechert have submitted a Stipulation resolving the request for a preliminary injunction (*see* Dkt. No. 28) but Plaintiff refuses to agree to the same terms as to the Vital Defendants. Accordingly, the motion for a preliminary injunction as to the Vital Defendants remain in dispute.

Pursuant to this Court’s Order entered on June 30, 2023 (*see* Dkt. No. 25), the Vital Defendants will therefore file on August 25, 2023, a joint memorandum of law in support of their motion to dismiss the Complaint and in opposition to the request for a preliminary injunction. Given the combined nature of the brief, we respectfully request permission to a joint memorandum that is anticipated to be thirty (30) pages in length.

The parties have also agreed that Plaintiff will have thirty (30) days, to and including September 25, 2023 to respond to the motion to dismiss and in support of the application for a preliminary injunction, and the Vital Defendants would have thirty (30) days, to and including October 25, 2023, to file a reply memorandum.

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We also want to bring to the Court's attention that the dates contained in the Initial Case Management Conference Order appear to be incorrect, as many predate the filing of this action. We assume that the document was filed in error.

Respectfully submitted,

NELSON MULLINS RILEY &
SCARBOROUGH, LLP

By: /s/ Samuel Rosenthal
Samuel Rosenthal
Counsel for Del Rosso and Vital
Management

cc: All counsel of record (by ECF)